

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO

WELLS FARGO BANK, NATIONAL
ASSOCIATION AS TRUSTEE FOR THE
MLMI TRUST SERIES 2005-WMC2,

Plaintiff,

v.

CASE NO.

KEVIN CLANTON AND CJ CLANTON,

NOTICE OF REMOVAL

Defendant(s),

And

KEVIN CLANTON AND CJ CLANTON,

Third Party Plaintiffs,

v.

LENDINGTREE, INC.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEMS,
INC.; MERRILL LYNCH CREDIT
CORPORATION; WMC MORTGAGE CORP;
WILSHIRE CREDIT CORPORATION, WELLS
FARGO FINANCIAL NEW MEXICO, INC.;
JOHN DOE MORTGAGE; JOHN DOE LENDING
BANK; AND JANE DOE, CLOSING AGENT,

Third Party-Defendants.

TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT COURT FOR
THE STATE OF NEW MEXICO:

Please take notice that pursuant to the provisions of 28 U.S.C. § 1441 and 28 U.S.C §
1446, third-party defendant WMC Mortgage LLC incorrectly sued herein as WMC Mortgage
Corp. ("WMC"), by and through counsel, file this Notice of Removal from the Second Judicial
District Court, County of Bernalillo, New Mexico ("Second Judicial District Court") to the

United States District Court for the District of New Mexico. In support of removal, WMC states as follows:

1. On or about October 31, 2008, third-party plaintiffs Kevin Clanton and CJ Clanton (“Clantons”) commenced this third-party action in the Second Judicial District Court against Lendingtree, Inc. (“Lendingtree”), Mortgage Electronic Registration Systems, Inc. (“MERS”), Merrill Lynch Credit Corporation (“Merrill Lynch”), WMC, Wilshire Credit Corporation (“Wilshire”), Wells Fargo Financial New Mexico, Inc. (“Wells Fargo New Mexico”), John Doe Mortgage, John Doe Lending Bank, and Jane Doe closing agent.

2. On November 13, 2008, the Clantons served WMC with the Summons and Third Party Complaint via Corporation Service Company.

3. The Clantons served this pleading in response to a foreclosure action commenced by Wells Fargo Bank, National Association as Trustee for the MLMI Trust Series 2005-WMC2 (“Wells Fargo”). *See* Exhibits A-FF hereto for all papers filed in that proceeding.

4. The Clantons’ claims against WMC (and others) include causes of action for violation of the Racketeer Influenced and Corrupt Organization Act (“RICO”), 18 U.S.C. § 1961, the Truth in Lending Act (“TILA”), 15 U.S.C. § 1601, the Real Estate Settlement Procedures Act (“RESPA”), 12 U.S.C. § 2601, Fair Housing Act (“FHA”), 42 U.S.C. § 3613, Equal Credit Opportunity Act (“ECOA”), 15 U.S.C. § 1691, the Privacy Act (“Privacy Act”), 5 U.S.C. § 552, Fair Debt Collection Act (“FDCA”), and 42 U.S.C. § 1981.

5. This Court has original jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 in that the above claims arise under the laws of the United States. This Notice of Removal is filed pursuant to the provisions of 28 U.S.C. § 1441 in that the above mentioned claims are separate and independent causes of action arising under the laws of the United States

and in that the Clantons' action arises under the laws of the United States, specifically the provisions of RICO, TILA, RESPA, FHA, ECOA, Privacy Act, FDCA, and 42 U.S.C. § 1981.

6. All third-party defendants have consented to the removal of this action.

7. Pursuant to 28 U.S.C. § 1446(b), WMC is filing this Notice of Removal within thirty days of its receipt of the Clantons' action.

8. Pursuant to 28 U.S.C. § 1446(d), WMC will promptly file a true and correct copy of this Notice of Removal with the Clerk of the Second Judicial District Court and provide a copy of same to all parties in this case.

WHEREFORE, WMC respectfully removes this action from the Second Judicial District Court to this Court pursuant to the provisions of 28 U.S.C. § 1441 and 28 U.S.C. § 1446.

Dated: December 12, 2008

MADISON, HARBOR & MROZ, PA

/s/ William C. Madison

William C. Madison

P.O. Box 25467

Albuquerque, NM 87125-5467

Telephone: (505) 242-2177

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of December, 2008 I served a true and correct copy of the foregoing, via U.S. Mail, postage prepaid to the following:

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